

Department of Early Learning

10.2.6

Application Denial Procedure

Initial Application

1. The Department of Early Learning (DEL) licensor will determine whether an applicant is able to meet the minimum licensing requirements to open a family home child care, child care center or school-age center facility. This determination will be based on:
 - a. Applicant background check information; including child abuse/neglect history (see Background Check policy and procedure 10.5.2)
 - b. History of license denial or revocation
 - c. Materially false statements on an application and submitted materials
 - d. Other relevant information regarding the licensee or facility that would indicate violation or potential violation of minimum licensing requirements
 - e. For family child care, family members (or residents) background check information including child abuse/neglect history
2. If the supervisor approves, the licensor must begin a denial file. The denial file must include the following sections:
 - a. FamLink Provider Notes
 - b. Supporting documentation used to recommend the denial
 - c. Legal section (may include legal advice, legal review and/or final legal letter, if appropriate)
3. The supervisor must review the denial file and will consult with the ASAM on whether to proceed with a denial of a license.
4. If denial action is approved, the licensor must prepare a legal letter for the supervisor's review. The legal letter must:
 - a. Provide reasons for the denial including citation of specific RCW or WAC
 - b. Provide information on how the applicant may request a fair hearing
 - c. Be created using template **10.10.9 Denial of Initial Application**
5. The ASAM will review the denial file, including the legal letter. The denial file will be returned to the supervisor if the denial letter is **not** approved by the ASAM.
6. The ASAM will have final authority for all for denials of initial applications. .
7. Once approved, the supervisor will sign the final legal letter and ensure that it is sent to the applicant. The supervisor also must ensure that a copy of the denial file is forwarded to the Assistant Director of the Quality Division.
8. A denial letter of an initial application must be delivered by certified mail with return receipt or hand delivered with proof of receipt. A copy of the receipt must be kept in the licensing and denial files.

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9. The licensor must document all activities and rationale related to the application denial in FamLink within three (3) working days of the completed denial letter.

Renewal Application Denial

10. If a licensor is able to demonstrate through clear documentation that a licensed provider is unwilling or unable to comply with, or maintain compliance with minimum licensing regulations, s/he may recommend a denial of a renewed license.
11. A recommendation to revoke the existing license may occur simultaneously with a renewal application denial (see Revocation Policy and Procedure 10.2.1).
12. If the supervisor approves, the licensor must begin a denial file. The denial file must include the following sections:
 - a. FamLink Provider Notes
 - b. Supporting documentation used to recommend the denial (including complaint history, compliance agreements and critical incident reports, if appropriate)
 - c. Legal section
 - d. Revocation / Application Denial form
 - e. DLR/CPS findings, if appropriate
13. If a denial and revocation occur simultaneously, a denial/revocation file must include 15(a) above and any requirements listed in Revocation of a License Policy and Procedure 10.2.1. The same Revocation / Denial Recommendation form may be used for both actions.
14. Licensing staff must recommend a renewal application denial by completing the Revocation / Denial Recommendation form. The recommendation must include:
 - a. Rationale for the proposed denial
 - b. History of past complaints and compliance agreements
 - c. Overall licensing history
 - d. Required approval signatures
15. The supervisor must review the denial file and will consult with the ASAM on proceeding with the denial of a license.
16. If denial action is approved, the licensor must prepare a legal letter for the supervisor's review. The legal letter must:
 - a. Provide reasons for the denial including citation of specific RCW or WAC
 - b. Provide information on due process rights
 - c. Be created using template **10.10.10 Denial of Renewal Application**.
 - d. Be signed by the supervisor once approval has been granted.
17. The ASAM will review the denial file, including the legal letter and will forward it to the Service Area Manager (SAM) for final approval. The SAM will return the denial file to the supervisor if the denial letter is **not** approved.

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18. Once approved by the SAM, he/she will ensure that the denial file is forwarded back to the ASAM and Assistant Director of the Quality Division, along with the signed copy of the Revocation / Denial Recommendation form.
19. A denial letter of a renewal application must be delivered by certified mail with return receipt or hand delivered with proof of receipt. A copy of the receipt must be kept in the licensing and denial files.
20. A denial is effective on the expiration of the current license. If a licensee appeals DEL's decision to deny re-licensure, the license may **not** be continued beyond the expiration date to accommodate the hearing process.
21. If the Department fails to act at the time of the expiration date of the license, the license shall continue in effect until such time as the department takes other appropriate action (RCW 43.215.270).
22. The licensor must notify the following entities of a renewal application denial, within three (3) business days of the final determination:
 - a. Community service offices in the area
 - b. Child Care Resource and Referral
 - c. Superintendent of Public Instruction Food Program
 - d. Career and Wage Ladder program manager
23. The licensor must document all activities and rationale related to the application denial in FamLink within five (5) working days of the completed denial letter.